

To: Washington Department of Ecology  
15 W Yakima Ave Ste 200  
Yakima, WA 98902

From: Benjamin Tomaso and Nancy Jewett  
Po Box 212  
Ellensburg, WA 98926

**RE: Mitigation Plan for Water Right Change Application CS4-00987CTCL@2.**

I am submitting the "Manastash Creek Restoration Project In-Stream Flow Enhancement Implementation Plan" to the Washington Department of Ecology as an amendment to my water right change application. The mitigation is for the upstream move of the point of diversion for Yakima Adjudication Court Claim #0987 and any adverse environmental impacts that may be identified under the State Environmental Policy Act.

By submitting the Manastash Creek Restoration Project Instream Flow Enhancement Implementation Plan as my voluntary mitigation, I understand that my application or applications for POD change for the consolidation of Anderson, Reed Ditch, and Hatfield Ditch, upstream to the MWDA diversion, will commit not to divert water from the consolidated diversion until 6 cfs (before pro-rationing) of adjudicated water rights for instream flow purposes has been obtained and put into trust in perpetuity, in addition to any water saved by the consolidation of Reed, Anderson and Hatfield to the MWDA site.

Sincerely,

Benjamin Tomaso and Nancy Jewett

**RECEIVED**  
**JUL 07 2008**  
DEPARTMENT OF ECOLOGY - CENTRAL REGIONAL OFFICE





STATE OF WASHINGTON  
**APPLICATION FOR CHANGE/TRANSFER  
 OF WATER RIGHT**

For filing with Ecology or with County Conservancy Boards



**A NON-REFUNDABLE MINIMUM FEE OF \$50.00 PAYABLE TO THE DEPARTMENT OF  
 ECOLOGY MUST ACCOMPANY THIS APPLICATION**

(Check all that apply.)

- ☐ Change purpose(s) of use  
☐ Add purpose(s) of use  
☒ Change point(s) of diversion/withdrawal  
☐ Add point(s) of diversion/withdrawal  
☐ Change/transfer place of use  
☐ Other (i.e. consolidation, intertie, trust water)

Explain: \_\_\_\_\_

**FOR OFFICE USE ONLY**

CHANGE No. CS4-00987CTCL02 WRIA 39

DATE ACCEPTED 09/21/06 BY [Signature]

FEE \$ 1470.80 REC'D 09/18/2006

CHECK No. 8942

SEPA: ☐ Exempt ☐ Not exempt

**\*\*IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS (PLEASE PRINT OR TYPE CLEARLY)\*\***

**1. Applicant Information:**

|   |                             |                           |
|---|-----------------------------|---------------------------|
| APPLICANT/BUSINESS NAME<br>Roger Sparks | PHONE NO.<br>(509) 925-5177 | FAX NO.<br>(509) 962-4696 |
| ADDRESS<br>4951 Hanson Road             |                             |                           |
| CITY<br>Ellensburg                      | STATE<br>WA                 | ZIP CODE<br>98926         |
| CONTACT NAME (IF DIFFERENT FROM ABOVE)  | PHONE NO.<br>( )            | FAX NO.<br>( )            |
| ADDRESS                                 |                             |                           |
| CITY                                    | STATE                       | ZIP CODE                  |

**2. Water Right Information:**

|  |  |
|--|--|
| WATER RIGHT OR CLAIM NUMBER<br>00987 (Priority Date 06-30-1871, 25 ac)   | RECORDED NAME(S)<br>Edmund T Christian & Margery Christian, Roger C. Sparks & Rita M Sparks, Steve Hall & Linda Hall, Amy L. Tiffany, Gordon Boone |
| DO YOU OWN THE RIGHT TO BE CHANGED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO  |  |
| IF NO, PROVIDE OWNER(S) NAME and ADDRESS:<br>Edmund & Margery Christian 4951 Hanson Rd, Ellensburg, WA 98926<br>Gordon Boone 680 Tozer Rd, Ellensburg, WA 98926<br><del>Cheryl Smith</del> 4741 Hanson Rd, Ellensburg, WA 98926 <u>Benjamin Thomas &amp; Nancy Jewett</u><br><u>Scott Sparks 4780 Core Rd. Ellensburg WA 98926</u> |  |
| HAS THE WATER BEEN PUT TO BENEFICIAL USE IN THE LAST FIVE (5) YEARS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO   |  |

Please attach copies of any documentation that demonstrates consistent, historical use of water since the right was established. Also, if you have a water system plan or conservation plan, please include a copy with your application. See attached Yakima River Basin Water Rights Adjudication, Subbasin No. 11 (Manastash) info

**FOR OFFICE USE ONLY**

APP. NO. \_\_\_\_\_ PERMIT NO. \_\_\_\_\_ CERT. NO. \_\_\_\_\_ CERT. OF CHANGE NO. \_\_\_\_\_

00987  
 Sub 11 Manastash  
 06 30 1871  
 ECY 040-1-97 (11/04) updated to 7/05

CS4-00987CTCL02

Application for Change



### 3. Point(s) of Diversion/Withdrawal:

#### A. Existing

| SOURCE               | NO. | ¼  | ¼  | SEC. | TWP. | RGE. | PARCEL #                     | WELL TAG # |
|----------------------|-----|----|----|------|------|------|------------------------------|------------|
| Manastash Creek-Reed |     | SW | SW | 12   | 17   | 17   | 17-17-12030-0029<br>(275033) |            |
|                      |     |    |    |      |      |      |                              |            |

#### B. Proposed

| SOURCE               | NO. | ¼  | ¼  | SEC. | TWP. | RGE. | PARCEL #                     | WELL TAG # |
|----------------------|-----|----|----|------|------|------|------------------------------|------------|
| Manastash Creek-MWDA |     | NW | NE | 14   | 17   | 17   | 17-17-14010-0011<br>(215133) |            |
|                      |     |    |    |      |      |      |                              |            |

DO YOU OWN THE EXISTING AND PROPOSED POINT(S) OF DIVERSION/WITHDRAWAL?

EXISTING: ☐ YES ☒ NO      PROPOSED: ☐ YES ☒ NO - IF NO, PROVIDE OWNER(S) NAME:

Existing: Douglas John      Proposed: Scot Reeves with easement to the Manastash Water Ditch Association

Please include copies of all water well reports involved with this proposal. Also, if you know the distances from the nearest section corner to the above point(s) of diversion/withdrawal, please include that information in Item No. 6 (remarks) or as an attachment.

### 4. Purpose of Use:

#### A. Existing

| PURPOSE OF USE | GPM or CFS | ACRE-FT/YR | PERIOD OF USE       |
|----------------|------------|------------|---------------------|
| Irrigation     | 0.583 cfs  |            | April 1 - June 30   |
| Irrigation     | 0.292 cfs  |            | July 1 - October 31 |
| Irrigation     |            | 177.7 AF   | Annually            |

#### B. Proposed SAME

| PURPOSE OF USE | GPM or CFS | ACRE-FT/YR | PERIOD OF USE |
|----------------|------------|------------|---------------|
|                |            |            |               |

### 5. Place of Use:

#### A. Existing

| LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:  |   |      |      |      |          |           |            |
|--|---|------|------|------|----------|-----------|------------|
| Government Lots 6 and 7 of Section 6, T17N, R18E WM.   |   |      |      |      |          |           |            |
| ¼  | ¼ | SEC. | TWP. | RGE. | COUNTY   | PARCEL #  | # OF ACRES |
|  |   | 6    | 17   | 18   | Kittitas | See Below | 25         |
| DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO - IF NO, PROVIDE OWNER(S) NAME: |   |      |      |      |          |           |            |
| Edmund & Margery Christian 17-18-06030-0005 (278333)   |   |      |      |      |          |           |            |
| Roger C. Sparks & Rita M Sparks 17-18-06050-0002 (261536)  |   |      |      |      |          |           |            |
| <del>17-18-06030-0001 (948333)</del> 17-18-06051-0002 (15560)  |   |      |      |      |          |           |            |
| Steve Hall & Linda Hall 17-18-06050-0001 (101536), sold to Sparks;   |   |      |      |      |          |           |            |
| Amy L. Tiffany 17-18-06051-0001 (15559), sold to Sparks;   |   |      |      |      |          |           |            |
| Gordon Boone 17-18-06030-0002 (948333).  |   |      |      |      |          |           |            |
| Also, Plaster 17-18-06030-0004 (118333), sold to Cheryl Smith Benjamin Tomaso & Nancy Jewett   |   |      |      |      |          |           |            |
| All are within Government Lots 6 and 7 of Section 6, T17N, R18E WM.  |   |      |      |      |          |           |            |
| 17-18-06030-0001 (608333) Scott Sparks   |   |      |      |      |          |           |            |

#### B. Proposed SAME

| LEGAL DESCRIPTION OF LANDS WHERE NEW USE IS PROPOSED:   |   |      |      |      |        |          |            |
|---|---|------|------|------|--------|----------|------------|
| ¼   | ¼ | SEC. | TWP. | RGE. | COUNTY | PARCEL # | # OF ACRES |
|   |   |      |      |      |        |          |            |
| DO YOU OWN ALL THE LANDS IN THE PROPOSED PLACE OF USE? <input type="checkbox"/> YES <input type="checkbox"/> NO - IF NO, PROVIDE OWNER(S) NAME: |   |      |      |      |        |          |            |

Attach a detailed map of your proposed change/transfer. The map should show existing and proposed point(s) of diversion/withdrawal, place of use and any other features involved with this application. If platted property, please include a certified copy of the plat map.

Are there any ADDITIONAL WATER rights OR CLAIMS RELATED to the same property as the ONE PROPOSED FOR CHANGE/TRANSFER?  
☐ YES ☐ NO - IF YES, PROVIDE THE WATER RIGHT/CLAIM NUMBER(S):



Certain applications may incur a Real Estate Excise Tax liability for the seller of the water rights. The Department of Revenue has requested notification of potential taxable water right related actions and therefore may be provided with a copy of this request.

Please contact the State Department of Revenue for further information. The phone number is (360) 570-3265. The address is: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia, WA 98504-7477.

**7. Signatures:**

*I certify that the information above is true and accurate to the best of my knowledge. I understand that in order to process my application, I am hereby granting staff from the Department of Ecology or the County Conservancy Board access to the above site(s) for inspection and monitoring purposes. If assisted in the preparation of the above application, I understand that all responsibility for the accuracy of the information rests with me.*

|   |                           |
|---|---------------------------|
| _____<br>(Applicant)  | _____<br>(Date)           |
| X <u>Henry Lucott</u><br>(Water Right Holder)                           | <u>4/08/08</u><br>(Date)  |
| X <u>Benjamin R. Jensen</u><br>(Land Owner(s) of Existing Place of Use) | <u>03/28/09</u><br>(Date) |

**IMPORTANT! APPLICATION FILING INFORMATION IS PROVIDED ON THE NEXT PAGE.**

**WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):**

- |   |   |
|---|---|
| <input type="checkbox"/> APPLICATION FEE NOT ENCLOSED   | <input type="checkbox"/> MAP NOT INCLUDED or INCOMPLETE |
| <input type="checkbox"/> ADDITIONAL SIGNATURES REQUIRED | <input type="checkbox"/> SECTION _____ IS INCOMPLETE    |
| <input type="checkbox"/> OTHER/EXPLANATION: _____       |   |

STAFF: \_\_\_\_\_ DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_



**6. Remarks and Other Relevant Information:**

Reed POD: 600 feet north and 700 feet east from the southwest corner of Section 12, being within the SW ¼ SW ¼ of Section 12, T17N, R17E WM.

MWDA POD: 500 feet south and 150 feet east of the north quarter corner of section 14, being within the NW ¼ NE ¼ of Section 14, T17N, R17E WM.

POU Parcel Number(s): Place of Use is described as Gov't Lots 6 and 7, S6 T17N R18EWM:

Edmund & Margery Christian (17-18-06030-0005 (278333), 2.9ac);

Roger C. Sparks & Rita M Sparks (17-18-06050-0002 (261536), 20ac;

17-18-06030-0004 (658332), 4ac; 17-18-06051-0002 (15560), 12.7ac; )

Steve Hall & Linda Hall (17-18-06050-0001 (101536), 20ac, sold to Sparks);

Amy L. Tiffany (17-18-06051-0001 (15559), 7.24ac, sold to Sparks);

Gordon Boone (17-18-06030-0002 (948333), 5.05ac).

Also, Plaster (17-18-06030-0004 (118333), 2ac, sold to Sheryl Smith, Benjamin Thomas & Nancy Jewett

All are within Government Lots 6 and 7 of Section 6, T17N, R18E WM.

17-18-06030-0001 (608333) Scott Sparks

Note from Limitations of Use: proportionate shares as follows - 68.8% Hall; 25% Sparks; 3.6% Christian, 2.5% Mr. Plaster. See page 29 SSRR. Boone and Tiffany are listed on Claim, but not in proportionate shares; Plaster is listed on proportionate shares, but not on Claim.

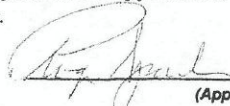
IF FOR SEASONAL OR TEMPORARY, START DATE \_\_\_\_/\_\_\_\_/\_\_\_\_ END DATE \_\_\_\_/\_\_\_\_/\_\_\_\_

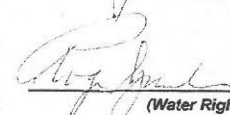
Certain applications may incur a Real Estate Excise Tax liability for the seller of the water rights. The Department of Revenue has requested notification of potential taxable water right related actions and therefore may be provided with a copy of this request.

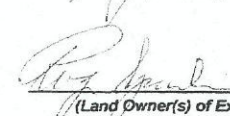
Please contact the State Department of Revenue for further information. The phone number is (360) 570-3265. The address is: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia, WA 98504-7477.

**7. Signatures:**

*I certify that the information above is true and accurate to the best of my knowledge. I understand that in order to process my application, I am hereby granting staff from the Department of Ecology or the County Conservancy Board access to the above site(s) for inspection and monitoring purposes. If assisted in the preparation of the above application, I understand that all responsibility for the accuracy of the information rests with me.*

 (Applicant) 3/30/06 (Date)

 (Water Right Holder) 3/30/06 (Date)

 (Land Owner(s) of Existing Place of Use) 3/30/06 (Date)

**IMPORTANT! APPLICATION FILING INFORMATION IS PROVIDED ON THE NEXT PAGE.**

**WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):**

- ☐ APPLICATION FEE NOT ENCLOSED ☐ MAP NOT INCLUDED or INCOMPLETE
- ☐ ADDITIONAL SIGNATURES REQUIRED ☐ SECTION \_\_\_\_\_ IS INCOMPLETE
- ☐ OTHER/EXPLANATION: \_\_\_\_\_

STAFF: \_\_\_\_\_ DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_



# ATTACHMENT FOR APPLICATION FOR CHANGE

Point(s) of Diversion/Withdrawal - ☒ Existing ☒ Proposed:

| SOURCE   | NO. | 1/4 | 1/4 | SEC. | TWP. | RGE. | PARCEL #                     | WELL TAG # |
|--|-----|-----|-----|------|------|------|------------------------------|------------|
| Manastash Creek-Reed<br>(existing)   |     | SW  | SW  | 12   | 17   | 17   | 17-17-12030-0029<br>(275033) |            |
| Manastash Creek-MWDA<br>(proposed)   |     | NW  | NE  | 14   | 17   | 17   | 17-17-14010-0011<br>(215133) |            |
| DO YOU OWN THE ABOVE POINT(S) OF DIVERSION/WITHDRAWAL? <input type="checkbox"/> YES <input type="checkbox"/> NO - IF NO, PROVIDE OWNER(S) NAME:<br>Existing: Douglas John Proposed: Scott Reeves, with easement to the Manastash Water Ditch Association |     |     |     |      |      |      |                              |            |

Purpose(s) of Use - ☒ Existing ☒ Proposed: SAME

## A. Existing

| PURPOSE OF USE | GPM or CFS | ACRE-FT/YR | PERIOD OF USE       |
|----------------|------------|------------|---------------------|
| Irrigation     | 0.583 cfs  |            | April 1 - June 30   |
| Irrigation     | 0.292 cfs  |            | July 1 - October 31 |
| Irrigation     |            | 177.7      | Annually            |

## B. Proposed SAME

| PURPOSE OF USE | GPM or CFS | ACRE-FT/YR | PERIOD OF USE |
|----------------|------------|------------|---------------|
|                |            |            |               |
|                |            |            |               |

Place of Use - ☒ Existing ☒ Proposed: SAME

## A. Existing

| LEGAL DESCRIPTION OF LANDS:  |     |      |      |      |          |           |            |
|--|-----|------|------|------|----------|-----------|------------|
| Government Lots 6 and 7 of Section 6, T17N, R18E WM.   |     |      |      |      |          |           |            |
| 1/4  | 1/4 | SEC. | TWP. | RGE. | COUNTY   | PARCEL #  | # OF ACRES |
|  |     | 6    | 17   | 18   | Kittitas | See below | 25         |
| DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO - IF NO, PROVIDE OWNER(S) NAME: |     |      |      |      |          |           |            |

## POU Parcel Numbers:

Edmund Christian & Margery Christian, 17-18-06030-0005 (278333);

Roger C. Sparks & Rita M Sparks, 17-18-06050-0002 (261536); ~~17-18-06030-0001 (608333);~~  
17-18-06051-0002 (15560);

Steve Hall & Linda Hall, 17-18-06050-0001 (101536), sold to Sparks;

Amy L. Tiffany, 17-18-06051-0001 (15559), sold to Sparks;

Gordon Boone, 17-18-06030-0002 (948333).

Also, Plaster 17-18-06030-0004 (118333), sold to ~~Sheryl Smith~~ Benjamin Tomasi & Nancy Sewett

All are within Government Lots 6 and 7 of Section 6, T17N, R18E WM.

~~17-18-06030-0001 (608333)~~ Scott Sparks, KS

Note from Limitations of Use: proportionate shares as follows - 68.8% Hall, 25% Sparks, 3.6% Christian, 2.5% Mr. Plaster. See page 29 SSRR. Boone and Tiffany are listed on Claim, but not in proportionate shares; Plaster is listed on proportionate shares, but not on Claim.